



Virginia
Regulatory
Town Hall

Periodic Review and Retention of Existing Regulations Agency Background Document

Agency Name:	Department of Labor and Industry/Apprenticeship Council
VAC Chapter Number:	16 VAC 20-20-10 et seq.
Regulation Title:	Regulations Governing the Administration of Apprenticeship Programs in the Commonwealth of Virginia
Action Title:	Periodic Review of Regulations Pursuant to Executive Order 25 (98)
Date:	March 16, 2000

This information is required pursuant to the Administrative Process Act § 9-6.14:25, Executive Order Twenty-Five (98), and Executive Order Fifty-Eight (99) which outline procedures for periodic review of regulations of agencies within the executive branch. Each existing regulation is to be reviewed at least once every three years and measured against the specific public health, safety, and welfare goals assigned by agencies during the promulgation process.

This form should be used where the agency is planning to retain an existing regulation.

Summary

Please provide a brief summary of the regulation. There is no need to state each provision; instead give a general description of the regulation and alert the reader to its subject matter and intent.

This regulation establishes the procedures and standards for the approval and registration of apprenticeship programs and agreements in accordance with Chapter 6, Title 40.1 of the Code of Virginia. This regulation is intended to insure that apprenticeship training programs developed and registered with the Virginia Apprenticeship Council are of the highest possible quality in all aspects of on-the-job training and related instruction and that all apprenticeship programs provide meaningful, safe employment and relevant classroom training for all apprentices without regard to sex, race, religion or national origin.

Basis

Please identify the state and/or federal source of legal authority for the regulation. The discussion of this authority should include a description of its scope and the extent to which the authority is mandatory or discretionary. Where applicable, explain where the regulation exceeds the minimum requirements of the state and/or federal mandate.

The Virginia Voluntary Apprenticeship Act of April, 1938, was promulgated after the National Apprenticeship Act (Fitzgerald Act), was passed in 1937. The purpose of this Virginia Act was to establish a recognized method of training a skilled workforce needed by manufacturers, the construction industry, defense industries and the shipbuilding industry.

Code of Federal Regulations , Title 29, Part 29, Labor Standards for the Registration of Apprenticeship Programs, was published in the Federal Register in 1977, and established minimum standards that would have to be met by each Apprenticeship Council or agency to maintain or obtain recognition as a registration agency. The Virginia Apprenticeship law, which was approved in 1938 by the General Assembly, was amended so the Virginia Apprenticeship Council could remain as the authorized agency to register apprenticeship programs and apprentices in Virginia.

Section 40.1-117 C of the Code of Virginia requires the Apprenticeship Council to establish standards for apprenticeship agreements which shall not be lower than those prescribed by Chapter 6 of Title 40.1 and those established pursuant to Article 3 of Chapter 11 of Title 54.1. This regulation establishes those standards and does not exceed the minimum requirements of the state or federal mandates.

Public Comment

Please summarize all public comment received as the result of the Notice of Periodic Review published in the Virginia Register and provide the agency response. Where applicable, describe critical issues or particular areas of concern in the regulation. Also please indicate if an informal advisory group was formed for purposes of assisting in the periodic review.

No public comments were received on this regulation during the public comment period. The agency and the Apprenticeship Council did not establish an informal advisory group for the purpose of assisting in the periodic review.

Effectiveness

Please provide a description of the specific and measurable goals of the regulation. Detail the effectiveness of the regulation in achieving such goals and the specific reasons the agency has determined that the regulation is essential to protect the health, safety or welfare of citizens. Please assess the regulation's impact on the institution of the family and family stability. In addition, please

indicate whether the regulation is clearly written and easily understandable by the individuals and entities affected.

The regulation has three goals:

1. To maintain a highly skilled workforce to compete globally in a changing economy.
2. To provide a method of transition from school to work for high school graduates.
3. To protect the public's health, safety and welfare with the least possible cost and intrusiveness to the citizens and businesses of the Commonwealth.

To date over 65,000 graduates have completed their training and have contributed to the skilled workforce of the Commonwealth. Virginia has remained competitive in construction, manufacturing and the shipbuilding industries and contributes to the national defense and to making Virginia a viable destination for the relocation of corporate headquarters and expansions. Graduates in the service areas of cosmetology, barber, nail technicians, opticians, and culinary also contribute to the skilled workforce. Over the past three years, an average of over 1,700 graduates per year have completed apprenticeship training in Virginia. Also, apprenticeship training has produced many entrepreneurs who now operate businesses in Virginia.

Transition from school to work for high school graduates is being accomplished through traditional apprenticeship and student apprenticeship programs. Student apprenticeships allow students to begin their training as part time employees of local business and industries, while attending academic and vocational classes. It is estimated that 50% of Virginia's high school graduates do not attend a four year college and a seamless approach to the workforce is necessary to compete in a globally changing economy. The consensus among business and educators is that over 70% of the jobs of the future will require training beyond high school, but will not require a four year degree.

The public's health, safety and welfare is protected by assuring that training is conducted in a safe environment, training meets current industry standards and apprentices are compensated according to the training outline.

The regulation has a positive impact on the institution of the family and family stability. Also, the regulation is clearly written and easily understandable.

Alternatives

Please describe the specific alternatives for achieving the purpose of the existing regulation that have been considered as a part of the periodic review process. This description should include an explanation of why such alternatives were rejected and this regulation reflects the least burdensome alternative available for achieving the purpose of the regulation.

Since this regulation is mandated by the Code of Virginia (Sections 40-177 and 40-120), there are no alternative to achieve the purpose of the regulation.

Recommendation

Please state that the agency is recommending that the regulation should stay in effect without change.

The Department of Labor and Industry and the Virginia Apprenticeship Council recommend that the regulation be retained without change.

Family Impact Statement

Please provide an analysis of the regulation's impact on the institution of the family and family stability including the extent to which it: 1) strengthens or erodes the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourages or discourages economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthens or erodes the marital commitment; and 4) increases or decreases disposable family income.

This regulation has a positive effective on the institution of the family and family stability because a skilled worker (journeyperson) has the knowledge that the learned craft or trade will probably ensure a life time of employment as long as he/she is able to work in the trade and keeps his or her skills and educational needs current. Thus this regulation and the apprenticeship program encourage economic self-sufficiency, self-pride and the assumption of responsibility for oneself and one's family. Also, it strengthens the marital commitment and increases the disposable family income. The regulation strengthens the authority and rights of parents in the education, nurturing and supervision of their children.